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Letter dated 19 December 2002 from the Permanent Representative of Ireland to the United Nations addressed to the President of the Security Council

In accordance with your letter dated 16 December 2002, in which you authorized me to continue to work with the President of the Security Council to prepare and submit a final report on the work of the Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola, please find herewith the requested final report covering the major activities of the above Committee from 1 January to 9 December 2002 (see annex). I would be grateful if the report could be circulated as a document of the Security Council.

(*Signed*) Richard **Ryan**
Permanent Representative of Ireland to the United Nations

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Annex to the letter dated 19 December 2002 from the Permanent Representative of Ireland to the United Nations addressed to the President of the Security Council

Report submitted pursuant to the letter dated 16 December 2002 from the President of the Security Council addressed to the Permanent Representative of Ireland to the United Nations

I. Introduction

1. The present report is submitted to the Security Council in accordance with the aforementioned letter. The report contains information on the activities of the Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola from 1 January to 9 December 2002, when the sanctions measures were terminated by the Security Council in its resolution 1448 (2002). The Council also decided in the same resolution to dissolve the Committee with immediate effect.

2. A report of the Committee covering its activities from 1 January to 31 December 2001 was submitted to the Security Council on 7 March 2002 (S/2002/243).

3. For 2002, the Bureau of the Committee consisted of Ambassador Richard Ryan (Ireland) as Chairman, with the delegations of Cameroon and Colombia providing the two Vice-Chairmen.

4. During 2002, the Committee held four formal meetings and several informal meetings. Five joint informal meetings were held with the Security Council Committees established pursuant to resolution 1132 (1997) concerning Sierra Leone and resolution 1343 (2001) concerning Liberia.

II. Background information

5. The first sanctions — arms and petroleum embargoes — were imposed against the União Nacional para a Independência Total de Angola (UNITA) by the Security Council in its resolution 864 (1993) on 15 September 1993. In its resolution 1127 (1997), adopted on 28 August 1997, the Council imposed a travel ban on senior officials of UNITA and adult members of their immediate families as designated by the Committee, the closure of UNITA offices, the prohibition of flights of aircraft by or for UNITA and the supply of any aircraft, aircraft components or aircraft servicing to UNITA. Some exemptions were established with regard to medical emergencies and flights carrying supplies for essential humanitarian needs, as approved by the Committee.

6. In its resolution 1173 (1998) of 12 June 1998, the Security Council decided to expand the measures imposed against UNITA. Those measures required States, except Angola, to freeze UNITA funds within their territory and ensure that those funds were not made available directly to or for the benefit of UNITA as an organization or of senior officials of UNITA or adult members of their immediate families, as designated pursuant to paragraph 11 of resolution 1127 (1997). States were also required to take the necessary measures to prevent all official contacts with UNITA leadership; prohibit the import from Angola of diamonds not controlled

through the Government's Certificate of Origin; prohibit the sale or supply, to persons and entities in areas of Angola to which State administration had not been extended, of equipment used in mining or mining services as well as motorized vehicles or watercraft or spare parts for such vehicles, or ground or water-borne transportation services.

7. Following the death of UNITA leader Jonas Savimbi on 22 February 2002, UNITA and the Government of Angola signed a Memorandum of Understanding on 4 April 2002 (S/2002/483), in which the parties committed themselves to take all necessary measures to cease hostilities. In line with those developments, on 28 March 2002, the Security Council had issued a presidential statement indicating it was "ready to consider appropriate and specific exemptions" to the travel ban imposed by resolution 1127 (1997) in order to facilitate negotiations (S/PRST/2002/7). On 17 May 2002, the Council decided, by its resolution 1412 (2002), to suspend the travel restrictions imposed by resolution 1127 (1997) on senior UNITA officials and adult members of their immediate families for a period of 90 days. The travel restrictions were suspended for an additional 90 days through resolution 1432 (2002) of 15 August 2002. The Council decided to lift these travel restrictions at the end of this period, i.e. on 14 November 2002, by its resolution 1439 (2002) of 18 October 2002. That resolution also contained a decision "to review, with a view to the possible lifting of, all the measures in resolutions 864 (1993), 1127 (1997) and 1173 (1998) by 19 November 2002, taking into account all available information, including from the Government of Angola and all other parties involved, on the implementation of the peace accords".

8. In its resolution 1237 (1999), adopted on 7 May 1999, the Security Council established a Panel of Experts with a six-month mandate to trace violations regarding arms, petroleum, representation, travel and diamonds, as well as the movement of UNITA funds. The Panel submitted its report (S/2000/203) to the Committee on 28 February 2000. In its resolution 1295 (2000), adopted on 18 April 2000, the Council requested the Secretary-General to establish a monitoring mechanism to collect additional relevant information relating to violations of the sanctions measures, investigate any relevant leads initiated by the Panel of Experts and report periodically to the Committee with a view to improving the implementation of the measures imposed against UNITA.

9. On 11 July 2000, the Secretary-General appointed the five-member Monitoring Mechanism and selected Ambassador Juan Larrain (Chile) as its Chairman (S/2000/677). In addition to Ambassador Larrain, Ms. Christine Gordon (United Kingdom of Great Britain and Northern Ireland), Mr. James Manzou (Zimbabwe), Mr. Ismaila Seck (Senegal) and Ambassador Lena Sundh (Sweden) were appointed as members of the Mechanism.

10. The mandate of the Mechanism was extended on five occasions. It was extended by three months on 23 January 2001 by resolution 1336 (2001) and by an additional six months on 19 April 2001 by resolution 1348 (2002). On 19 October 2001, by its resolution 1374 (2001), the Security Council decided to extend the mandate of the Mechanism for a further six months and requested the Secretary-General to appoint four experts to serve on the Mechanism, which he did on 24 October 2001 by appointing four members of the Mechanism (S/2001/1009): Ambassador Juan Larrain, Ms. Christine Gordon, Mr. Ismaila Seck and Mr. Wilson Kalumba (Zambia). The Council again extended the mandate of the Mechanism by

six months in its resolution 1404 (2002) of 18 April 2002, and on 26 April 2002, the Secretary-General reappointed the four members of the Monitoring Mechanism (S/2002/487). On 18 October 2002, by its resolution 1439 (2002), the Security Council extended the mandate of the Mechanism for two months, requesting the Secretary-General to appoint two experts to serve on the Monitoring Mechanism. Subsequently, on 25 October 2002, the Secretary-General reappointed the Chairman, Ambassador Juan Larrain, and Mr. Ismaila Seck (S/2002/1204).

11. Since its establishment, the Mechanism has submitted seven reports to the Security Council through the Committee. The first, the interim report (S/2000/1026), was submitted to the Committee on 16 October 2000, a final report (S/2000/1225 and Corr.1 and 2) on 21 December 2000, an addendum to the final report (S/2001/363) on 11 April 2001, a supplementary report (S/2001/966) on 8 October 2001, another supplementary report (S/2002/486) on 9 April 2002 and an additional report (S/2002/1119) on 7 October 2002. In its resolution 1439 (2002), paragraph 4, the Council requested the Mechanism to submit a further additional report to the Committee by 13 December 2002, focusing in particular on possible violations of measures imposed against UNITA that might have occurred since the signing of the Memorandum of Understanding on 4 April 2002 and the identification of UNITA funds and financial resources frozen pursuant to paragraph 11 of resolution 1173 (1998).

III. Summary of the activities of the Committee during the reporting period

12. On 6 March 2002, the Committee issued a press release (SC/7322) stating that two names had been deleted from the Committee's list of senior UNITA officials and immediate adult family members. The Committee had made this decision through the no-objection procedure in accordance with Committee guidelines.

13. On 12 April 2002, at its 40th meeting, the Committee considered, on a preliminary basis, the report of the Monitoring Mechanism submitted pursuant to paragraph 6 of resolution 1374 (2001). The report detailed the Mechanism's pursuit of alleged sanctions violations and examined the role of criminal elements key to UNITA's capacity to continue to wage war, specifically through the purchase of arms and the smuggling of diamonds. In presenting the report to the Committee, Ambassador Larrain indicated the sanctions were "an instrument of peace". He advised that the measures should remain in place until the peace process was irreversible, although the Committee in his view should consider ad hoc exemptions to the travel ban in view of the ongoing peace process. The members of the Committee agreed that the sanctions had been a considerable asset in pursuing peace. Members highly appreciated the report and specified the type of issues that they would like to see investigated if the mandate of the Mechanism were to be extended, such as regional dimensions of UNITA sanctions, possible violations by diamond-importing countries and the activities of alleged arms trader Victor Bout. The Chairman submitted the report to the President of the Security Council in a letter dated 18 April 2002 and the report was issued as a document of the Council under the symbol S/2002/486.

14. On 8 May 2002, at its 41st meeting, the Committee continued to discuss the report submitted pursuant to paragraph 6 of resolution 1374 (2001). The Chairman

of the Mechanism emphasized the need for Member States to adopt effective regulations at the national level to enforce financial sanctions and the need to differentiate conflict diamonds from illicit diamonds. He reiterated the Mechanism's view that sanctions should be maintained until the peace process was irreversible. He distributed the Mechanism's plan of action for its new six-month mandate to the members. The Chairman of the Committee reported that he had written a letter to the Government of Angola, transmitting a number of requests for additional information relating to the list of senior UNITA officials and adult members of their immediate families that the Committee had received from Member States.

15. On 14 October 2002, at its 42nd meeting, the Committee, on a preliminary basis, considered the report of the Mechanism submitted in accordance with paragraph 5 of resolution 1404 (2002). The report detailed the results of the Mechanism's enquiries and investigations to date in view of the ongoing peace process. The Chairman of the Mechanism pointed out a number of continuing concerns, such as the need to complete the search for unaccounted UNITA arms caches and to ensure that the illicit trafficking of diamonds was halted. In the light of the positive developments related to the peace process, members considered the possible lifting of financial sanctions. The Chairman submitted the report to the President of the Security Council in a letter dated 14 October 2002 and the report was issued as a document of the Council under the symbol S/2002/1119. At the same meeting, the Chairman stated that his delegation had received new information from the Permanent Mission of Angola to the United Nations regarding the list of senior UNITA officials and adult members of their immediate families, which would be clarified in bilateral consultations between the Permanent Missions of Angola and Ireland before being disseminated to the members of the Council.

16. On 21 November 2002, at its 43rd meeting, the Committee concluded its consideration of the report of the Mechanism submitted in accordance with paragraph 5 of resolution 1404 (2002) and in addition heard a briefing from the Mechanism on its recent visit to Angola. The Mechanism reported that it had consulted with various Government and UNITA officials, the Special Representative of the Secretary-General for Angola and representatives of the Troika of Observer States, the European Union and Angolan civil society. Based on those consultations and in view of the fact that there had been no recent breaches of the ceasefire, the Mechanism concluded that the objectives of the sanctions had been met and recommended that the sanctions be lifted. Following on this recommendation and taking into account the recent statement by the Joint Commission in Angola calling for the lifting of all remaining sanctions against UNITA, members of the Committee were generally supportive of this view, although some members requested additional clarifications, which the Mechanism then attempted to provide. The Chairman finally suggested that the planned revision of the UNITA list be abandoned in the light of recent developments in Angola.

IV. Summary of the activities of the Monitoring Mechanism

17. During the mandate of the Monitoring Mechanism, from 20 October 2001 to 19 April 2002, the Mechanism pursued allegations of sanctions violations and continued to examine the role of criminal elements that were key in sustaining UNITA's capacity to continue the conflict. Considerable attention was also devoted to the issue of financial sanctions and the Mechanism was able to provide a brief

analysis of various systems and legislative procedures in place in a number of countries. During trips in January and March 2002, the Mechanism visited Angola, Belgium, Botswana, Côte d'Ivoire, the Democratic Republic of the Congo, France, South Africa, the United Kingdom, Zambia and Zimbabwe (Interpol Subregional Bureau for Southern Africa) for consultations, as well as carrying out consultations with the Organization of African Unity/African Union in Ethiopia, the Wassenaar Arrangement in Austria and the Southern African Development Community (SADC) in Botswana. Correspondence with a number of Member States provided information and clarification on allegations of sanctions violations.

18. During the six-month extension of its mandate from 20 April to 19 October 2002, the Monitoring Mechanism pursued enquiries and investigations it had initiated during its previous mandates. It followed up on investigations pertaining to the activities of individuals, private companies, government officials and institutions believed to be violating sanctions. Through correspondence addressed to numerous Member States and in visits in June and September to Angola, Belgium, Namibia, South Africa and Zambia and to the secretariats of SADC and the Wassenaar Arrangement also in September, the Mechanism enquired about measures taken to increase compliance, relevant legislation that might have been enacted and the progress of official investigations into illicit activities. A detailed description of the investigation of illicit diamond-trading and its results included a review of the current Certificate of Origin scheme in place in Angola. An assessment of the financial sanctions included a recommendation that this type of sanctions be accompanied by operating and procedural guidelines.

19. During the two-month final extension of its mandate from 20 October 2002 to 19 December 2002, the Mechanism travelled in early November to Angola, as under resolution 1439 (2002) it had been requested to carry out "ample consultations" in Angola with representatives of the Government and with officials from UNITA with a view to enabling the Council to consider a full review of the sanctions imposed on the latter. The Council had also requested the Mechanism to provide information on possible sanctions violations that might have occurred since the signing of the Memorandum of Understanding of 4 April 2002, and to consider issues related to UNITA funds and financial resources that had been frozen by Member States. On the basis of the positive developments related to the peace process and having found no evidence of sanctions violations, on 12 November 2002, the Mechanism requested the Chairman of the Security Council Committee established pursuant to resolution 864 (1993) to urgently convene a meeting. The Chairman of the Monitoring Mechanism informed the Committee on 20 November that the objectives of Security Council resolutions 864 (1993), 1127 (1997) and 1173 (1998) had been met. Given that UNITA was fulfilling its obligations within the context of the peace process, the Mechanism further recommended that the Council should consider lifting all sanctions on UNITA as a matter of priority, and at the earliest opportunity.

V. Observations and recommendations

20. This past year in Angola has provided an opportunity for UNITA and the Government of Angola to initiate a peace process. Sanctions may not have had a direct role in this development, but it has been generally recognized that sanctions considerably weakened the military potential of UNITA. The work of the Monitoring Mechanism on sanctions against UNITA, based on identifying the

sources and methods of violations of the sanctions, partly through quiet diplomacy and offering practical recommendations for further action, proved helpful to the Committee in ensuring the effectiveness of the sanctions. The Committee also greatly appreciates the consistent support of Member States, without which the Committee would not have been able to fully implement the sanctions regime.

21. The lifting of all remaining sanctions and the termination of the mandate of the Committee has come about following the adoption of resolution 1448 (2002) on 9 December 2002. In this connection, it may be useful to draw some lessons from the experience of the Committee during almost a decade of UNITA sanctions. First, the establishment of the Panel of Experts and the subsequent Monitoring Mechanism, working on the basis of the highest evidentiary and investigative standards, significantly enhanced the effectiveness of the sanctions. Secondly, in order to implement the mandatory decisions of the Security Council, it has been clear that States often require assistance in enacting necessary legislation and technical assistance to implement the sanctions at the national level. Thirdly, the reporting by Member States on sanctions violations and on measures taken domestically to implement the sanctions measures have been invaluable to the Committee and the Mechanism. Such reporting by Member States is strongly encouraged also with regard to other sanctions regimes. Fourthly, missions by the Chairman of the Committee to the region, for familiarization and direct contact with Governments and other interested parties, have been extremely useful, both for gathering information and as a sign of the Security Council's continuing interest in seeing the implementation of its measures. Finally, use of the Internet has been useful in maintaining a degree of transparency of the Committee's work, especially with regard to the list of senior UNITA officials and adult members of their immediate families.

22. A valuable body of knowledge and experience has been accumulated over the nearly 10 years that the sanctions measures against UNITA have been in force. It might be useful to collate the experience gained during the application of the UNITA sanctions in order to enhance the effectiveness of current and future sanctions regimes. Consideration could be given to an appropriate occasion for such an assessment to take place.